

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	2

MR. SPEAKER:

*Your Committee on Public Health, to which was referred Senate Bill 138, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 professions and occupations.
- 4 Page 2, between lines 7 and 8, begin a new line block indented and
- 5 insert:
- 6 **"(8) Indiana board of pharmacy.**
- 7 **(9) Indiana state board of nursing."**
- 8 Page 2, line 13, delete "chiropractic physician" and insert
- 9 **"chiropractor".**
- 10 Page 2, between lines 15 and 16, begin a new paragraph and insert:
- 11 "SECTION 2. IC 25-22.5-2-7 IS AMENDED TO READ AS
- 12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. The board shall do
- 13 the following:
- 14 (1) Adopt rules and forms necessary to implement this article that
- 15 concern, but are not limited to, the following areas:
- 16 (A) Qualification by education, residence, citizenship,

- 1 training, and character for admission to an examination for
 2 licensure or by endorsement for licensure.
- 3 (B) The examination for licensure.
- 4 (C) The license or permit.
- 5 (D) Fees for examination, permit, licensure, and registration.
- 6 (E) Reinstatement of licenses and permits.
- 7 (F) Payment of costs in disciplinary proceedings conducted by
 8 the board.
- 9 **(G) Establishment of mandatory continuing education**
 10 **requirements designed to maintain the competency of**
 11 **individuals licensed under this chapter, including**
 12 **requirements providing that only educational activities**
 13 **that meet professional role expectations satisfy continuing**
 14 **education requirements.**
- 15 (2) Administer oaths in matters relating to the discharge of its
 16 official duties.
- 17 (3) Enforce this article and assign service bureau personnel duties
 18 as may be necessary in the discharge of the board's duty.
- 19 (4) Maintain, through the service bureau, full and complete
 20 records of all applicants for licensure or permit and of all licenses
 21 and permits issued.
- 22 (5) Make available, upon request, the complete schedule of
 23 minimum requirements for licensure or permit.
- 24 (6) Issue, at the board's discretion, a temporary permit to an
 25 applicant for the interim from the date of application until the
 26 next regular meeting of the board.
- 27 (7) Issue an unlimited license, a limited license, or a temporary
 28 medical permit, depending upon the qualifications of the
 29 applicant, to any applicant who successfully fulfills all of the
 30 requirements of this article.
- 31 (8) Adopt rules establishing standards for the competent practice
 32 of medicine, osteopathic medicine, or any other form of practice
 33 regulated by a limited license or permit issued under this article.
- 34 (9) Adopt rules regarding the appropriate prescribing of Schedule
 35 III or Schedule IV controlled substances for the purpose of weight
 36 reduction or to control obesity.
- 37 SECTION 3. IC 25-22.5-7-1 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) A license issued

1 under this article expires on June 30 of each odd-numbered year.
 2 Before June 30 of an odd-numbered year, an applicant for renewal shall
 3 pay the biennial renewal fee set by the board under IC 25-22.5-2-7.

4 (b) If the holder of a license does not renew the license by June 30
 5 of each odd-numbered year, the license expires and becomes invalid
 6 without any action taken by the board. A license that becomes invalid
 7 under this subsection may be reinstated by the board up to three (3)
 8 years after the invalidation if the holder of the invalid license: ~~pays:~~

- 9 (1) ~~pays~~ the penalty fee set by the board under IC 25-22.5-2-7;
 10 ~~and~~
 11 (2) ~~pays~~ the renewal fee for the biennium; **and**
 12 (3) **completes the continuing education requirement**
 13 **established by the board.**

14 (c) If a license that becomes invalid under this section is not
 15 reinstated by the board within three (3) years of its invalidation, the
 16 holder of the invalid license may be required by the board to take an
 17 examination for competence before the board will reinstate the holder's
 18 license.

19 (d) The board may adopt rules under IC 25-22.5-2-7 establishing
 20 requirements for the reinstatement of a lapsed license.

21 (e) **An individual may not renew a license under this article**
 22 **unless the individual has completed the continuing education**
 23 **requirements established under IC 25-22.5-2-7(1)(G). An**
 24 **application under this section must contain a sworn statement**
 25 **signed by the applicant attesting that the applicant has fulfilled the**
 26 **continuing education requirements.**

27 (f) **Every two (2) years, the board may randomly audit for**
 28 **compliance at least one percent (1%) but not more than ten**
 29 **percent (10%) of the practitioners required to take continuing**
 30 **education courses.**

31 (g) **Notwithstanding IC 25-22.5-2-7(1)(G), the continuing**
 32 **education requirement does not apply to the following:**

- 33 (1) **A practitioner who has held an initial license for less than**
 34 **two (2) years.**
 35 (2) **A practitioner who the board has determined is unable to**
 36 **meet the requirement due to a disability.**

37 (h) **For each continuing education course attended or completed,**
 38 **the practitioner shall retain:**

1 **(1) a record of the number of hours spent in each continuing**
 2 **education course;**
 3 **(2) the subject matter presented;**
 4 **(3) the name of the sponsoring organization; and**
 5 **(4) verification of attendance or completion;**
 6 **for three (3) years after the date the practitioner's license was**
 7 **renewed.**

8 SECTION 4. IC 25-23-1-7 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) The board shall
 10 do the following:

11 (1) Adopt under IC 4-22-2 rules necessary to enable it to carry
 12 into effect this chapter.

13 (2) Prescribe standards and approve curricula for nursing
 14 education programs preparing persons for licensure under this
 15 chapter.

16 (3) Provide for surveys of such programs at such times as it
 17 considers necessary.

18 (4) Accredite such programs as meet the requirements of this
 19 chapter and of the board.

20 (5) Deny or withdraw accreditation from nursing education
 21 programs for failure to meet prescribed curricula or other
 22 standards.

23 (6) Examine, license, and renew the license of qualified
 24 applicants.

25 (7) Issue subpoenas, compel the attendance of witnesses, and
 26 administer oaths to persons giving testimony at hearings.

27 (8) Cause the prosecution of all persons violating this chapter and
 28 have power to incur necessary expenses for these prosecutions.

29 (9) Adopt rules under IC 4-22-2 that do the following:

30 (A) Prescribe standards for the competent practice of
 31 registered, practical, and advanced practice nursing.

32 (B) Establish with the approval of the medical licensing board
 33 created by IC 25-22.5-2-1 requirements that advanced practice
 34 nurses must meet to be granted authority to prescribe legend
 35 drugs and to retain that authority.

36 **(C) Establish continuing education requirements designed**
 37 **to maintain the competency of individuals licensed under**
 38 **this chapter, including requirements providing that only**

1 **educational activities that meet professional role**
 2 **expectations satisfy continuing education requirements.**

3 (10) Keep a record of all its proceedings.

4 (11) Collect and distribute annually demographic information on
 5 the number and type of registered nurses and licensed practical
 6 nurses employed in Indiana.

7 (12) Notify each registered nurse and licensed practical nurse
 8 residing in Indiana when final rules concerning the practice of
 9 nursing are published in the Indiana register.

10 (b) The board may do the following:

11 (1) Create ad hoc subcommittees representing the various nursing
 12 specialties and interests of the profession of nursing. Persons
 13 appointed to a subcommittee serve for terms as determined by the
 14 board.

15 (2) Utilize the appropriate subcommittees so as to assist the board
 16 with its responsibilities. The assistance provided by the
 17 subcommittees may include the following:

18 (A) Recommendation of rules necessary to carry out the duties
 19 of the board.

20 (B) Recommendations concerning educational programs and
 21 requirements.

22 (C) Recommendations regarding examinations and licensure
 23 of applicants.

24 (3) Appoint nurses to serve on each of the ad hoc subcommittees.

25 (c) Nurses appointed under subsection (b) must:

26 (1) be committed to advancing and safeguarding the nursing
 27 profession as a whole; and

28 (2) represent nurses who practice in the field directly affected by
 29 a subcommittee's actions.

30 SECTION 5. IC 25-23-1-16.1 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 16.1. (a) A license to
 32 practice as a registered nurse expires on October 31 in each
 33 odd-numbered year. Failure to renew the license on or before the
 34 expiration date will automatically render the license invalid without
 35 any action by the board.

36 (b) A license to practice as a licensed practical nurse expires on
 37 October 31 in each even-numbered year. Failure to renew the license
 38 on or before the expiration date will automatically render the license

1 invalid without any action by the board.

2 (c) The procedures and fee for renewal shall be set by the board.

3 (d) At the time of license renewal, each registered nurse and each
4 licensed practical nurse shall pay an additional three dollar (\$3) fee.
5 The lesser of the following amounts from fees collected under this
6 subsection shall be deposited in the impaired nurses account of the
7 state general fund established by section 34 of this chapter:

8 (1) Three dollars (\$3) per license renewed under this section.

9 (2) The cost per license to operate the impaired nurses program,
10 as determined by the health professions bureau.

11 **(e) To renew a license under this section, an individual must**
12 **have completed the continuing education requirements established**
13 **by the board under section 7(a)(9)(C) of this chapter. An**
14 **application under this section must contain a sworn statement**
15 **signed by the applicant attesting that the applicant has fulfilled the**
16 **continuing education requirements.**

17 **(f) Every two (2) years, the board may randomly audit for**
18 **compliance at least one percent (1%) but not more than ten**
19 **percent (10%) of the nurses required to take continuing education**
20 **courses.**

21 **(g) Notwithstanding IC 25-22.5-2-7(1)(G), the continuing**
22 **education requirement does not apply to the following:**

23 **(1) A nurse who has held an initial license for less than two (2)**
24 **years.**

25 **(2) A nurse who the board has determined is unable to meet**
26 **the requirement due to a disability.**

27 **(h) For each continuing education course attended or completed,**
28 **the nurse shall retain:**

29 **(1) a record of the number of hours spent in each continuing**
30 **education course;**

31 **(2) the subject matter presented;**

32 **(3) the name of the sponsoring organization; and**

- 1 **(4) verification of attendance or completion;**
- 2 **for three (3) years after the date the nurse's license was renewed."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to SB 138 as reprinted February 12, 1999.)

and when so amended that said bill do pass.

Representative Brown C